

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEAGEM PARTNERS LLC et al.,

Plaintiffs,

-against-

WEBBANK,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 5/7/2024

24-CV-03424 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction *sua sponte*.

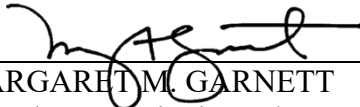
“It is firmly established that diversity of citizenship should be distinctly and positively averred in the pleadings, or should appear with equal distinctness in other parts of the record.” *Leveraged Leasing Admin. Corp. v. PacifiCorp Cap., Inc.*, 87 F.3d 44, 47 (2d Cir. 1996) (internal quotation marks omitted). Where a complaint premised on diversity of citizenship names a limited liability company as a party, the complaint must allege the citizenship of natural persons who are members of the limited liability company as well as the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company. *See Platinum-Montaur Life Sciences, LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 615 (2d Cir. 2019); *Handelsman v. Bedford Vill. Assocs. Ltd. P’ship*, 213 F.3d 48, 51–52 (2d Cir. 2000).

All of the Plaintiffs in this action are LLCs, *see* Complaint, Dkt. No. 1 ¶¶ 10–25. However, Plaintiffs only appears to state the place of incorporation and the principal place of business of each of the Plaintiff LLCs; they do not allege the citizenship of any member(s) of each of the Plaintiffs. *See id.*

Within 45 days of this Order, Plaintiff may file an Amended Complaint that expressly alleges the citizenship of all natural persons who are members of each of the Plaintiffs, and, if any corporation is a member of any Plaintiff, the jurisdiction under whose laws the corporation is incorporated and the principal place of business. If, by this date, Plaintiffs fail to amend the Complaint to truthfully allege complete diversity of citizenship, then the action will be dismissed for lack of subject matter jurisdiction without further notice to any party.

Dated: May 7, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge